IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

Chamber Summons NO.781 of 2006

In

Suit (L) No.3114 of 2005

Dr.Kamal Rajadhyaksha through
her next friend Mr.Siddharth
N. Dabholkar .. Plaintiff

V/s

Dr.Kanta Patel and Ors. .. Defendants

AND

Ajit Chinubhai Shah ..Applicant

WITH

Chamber Summons No.268 of 2006

In

Suit (L) No.3114 of 2005

Dr.Kamal Rajadhyaksha through her
next friend Mr.Siddharth N.Dabholkar..Plaintiff

V/s

Dr.Kanta Patel and Ors. ..Defendants

And

Pratima V. Punekar ..Respondent

Mr. Y.C. Dhebar i/b. Debhar & Co. for Applicant in

Ch/s.781/06

Mr. Paritosh Jaiswal i/b. Kanga & Co. for Defendant

Nos.1 and 2

Mr. B.R. Zaveri for defendant No.3

Mr. N.Y. Gupta with Sachin J. Kadam for Plaintiff in

Ch/s. No.268/06

Mr. R.C. Shah i/b.B. Desai for Defendant No.6

Mr.Parikesh Jaiswal i/b Kanga and Co. for Plff

Mr.N.Y.Gupte with Mr.S.J.Kadam for

Caveator/Respondent (in T.S. suit)

WITH

PETITION NO.349 of 2006

Mukul Madhubhai Patel and Anr..Petitioners

CORAM:S.R.SATHE,J.

DATED:26th April 2007

P.C.:-

1. Heard learned Advocate for the plaintiff. The learned Advocate for the defendant present. He has no objection for allowing this Chamber Summons and allow the plaintiff to implead 1) Mr.Praful Raghunath Kalekar and 2) Mr.Pranav Raghunath Kalekar, as additional plaintiffs. Hence plaintiff is directed to implead them as additional plaintiffs and carry out the necessary amendment immediately.

2. The plaintiff also seeks to join 1) Smt.Pratima Vishwanath Punekar and 2) Smt.Madhavi Nandkumar Sule as defendants nos.4 and 5 in this suit for which other side has objection. Hence plaintiff to implead them as defendants nos.4 and 5 and carry out necessary amendment immediately.

3. The learned Advocate for the plaintiff seeks permission to implead Sidhartha Narayan Dabholkar as plaintiff no.3 in the present suit. Defendant’s Advocate has no objection for the same.

4. Hence Sidhartha Narayan Dabholkar be added as

plaintiff no.3 and necessary amendment be carried out immediately.

5. Both the parties submitted that they have no objection to implead Mr.Vasu Bhagnani, as defendant no.6 in the above mentioned suit. Hence plaintiff is directed to implead him as party defendant no.6 and carry out necessary amendment immediately.

6. Heard all the concerned Advocates. They submit that suit (Lodging) No.3114 of 2005 as well as T. P.No.59 of 2006 have been settled between the parties including the added parties and they have signed the consent terms. Out of them except defendant no.1 Kantaben all parties to the proceedings are present in Court. The Constituted Attorney of added defendant nos.4 and 5 is present in the Court. All the parties who are present They admitted that they have read the consent terms and signed knowing full well the contents of the same. The learned Advocate appearing on behalf of defendant no.1 undertakes that he will produce the special authority to compromise the matter.

7. In view of the above the consent terms signed by the parties and their Advocates are taken on record and marked ’X’ for identification. So also the undertaking given in para nos.6,12, 13 and 22 are accepted.

8. Chamber Summons No.268 of 2006 and Chamber Summons NO.781 of 2006 stand disposed of and T.S.No.59 of 2006 as well as T.P No.349 of 2006 are allowed in terms of consent terms marked ’X’ for identification.

9. Interlocutory order dated 22-11-2005 passed in Suit (L) No.3114 of 2005 stands vacated. Undertaking given to the Court by defendant no.2 to stands withdrawn.

10. Suit (L) No.3114 of 2005 be numbered.

11. Decree be drawn in the above mentioned suit in terms of consent terms marked 'X' for identification.

12. Parties to the above proceedings and NABARD to act on the authenticated copy of this order.

(S.R.SATHE,J.)